



BOARD OF SUPERVISORS  
**COUNTY OF HUMBOLDT**

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January 24, 2006

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Paul A. Marshall, South Delta Branch  
California Department of Water Resources  
1416 9<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814

**RE: South Delta Improvements Program  
Comments – Draft Environmental Impact Statement/Environmental Impact Report**

Dear Mr. Marshall:

The County of Humboldt has reviewed the above referenced November 2005 document by the California Department of Water Resources (DWR) and the US Bureau of Reclamation (BOR) and comments provided by Trinity County. We hereby support Trinity County's comments and recommend that DWR and BOR withdraw the proposed Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) for this project because of numerous legal and technical inadequacies. Some inadequacies include, but are not limited to the following:

- The document is based on the "Biological Opinion (BO) on the Long-Term Central Valley Project (CVP) and State Water Project (SWP) Operations Criteria and Plan (OCAP)," which has been found faulty. These findings were made public January 3, 2006. A report by the Department of Commerce's Inspector General also found the BO process violated government procedures.
- The Document does not consider an alternative which **reduces** exports from the Delta, per the Third District Court of Appeals Decision (RCRC et v State of California).
- The Document fails to incorporate prior water rights or reserved, such as those held by the County of Humboldt for 50,000 af annually, nor the water associated with the fishing rights of the Hoopa Valley and Yurok Tribes.

The South Delta Improvements Program (SDIP) is based on Endangered Species Act compliance through the CVP OCAP. A revised Biological Opinion should be prepared with adequate analyses to determine jeopardy to listed species, including Klamath-Trinity coho salmon (Southern Oregon/Northern California Coho). The independent review by a team of 6 scientists concluded that the BO had deficiencies. Specifically that some models and analyses appeared to be flawed and that greater consideration should be given to genetic and spatial diversity in the ESUs.

Clearly, the SDIP is inadequate and must be revised and completed prior to release of a new DEIS/R that considers an alternative that reduces Delta exports. We encourage and support development of a "Land Retirement Alternative" which returns water to environment.

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The 2000 Trinity River Record of Decision (ROD) called for increased fishery flows into the Trinity River from Trinity and Lewiston Dams. Humboldt County is concerned that the BOR intends to continue historic deliveries of CVP water, as stated in the numerous CVP long-term contracts such as the San Luis Unit, with possible larger deliveries.

We disagree with the statement of the SDIP that impacts "salmonids with the Trinity River will be less than significant." This statement is misleading and based on assumptions which conflict with the Trinity ROD. The DEIR/R would likely have a severe impact to salmonids in the Klamath-Trinity watershed by having water temperatures instream being higher than State, federal and tribal water temperature standards and objectives. Therefore, the County believes the DWR and BOR declaration that there would be a "less than significant impact" to the Trinity River fisheries is untrue.

Additionally, we believe that the SDIP DEIS/R is premature to approve at this time because it would be pre-decisional as it relates to renewal of CVP contracts south of the Delta and drainage issues in the San Luis Unit of the CVP. Currently, the BOR is negotiating Long-Term Contracts (LTC's) for San Luis Unit and Western San Joaquin Division CVP contractors and has released NEPA documents. The San Luis Drainage Feature Re-Evaluation has not been completed, nor has the intent of the San Luis Act of 1960 (P.L. 86-488) been met.

In consideration of the above and comments submitted by Trinity County, to move forward with the SDIP before the San Luis Drainage Feature Re-Evaluation has been complete would be illegal and premature at this point in time. Humboldt County calls upon the Department of Water Resources and the Bureau of Reclamation to withdraw the South Delta Improvements Program Draft Environmental Impact Statement/Report at this time, and re-evaluate the potential impacts this action will take.

Thank you for the opportunity to comment on this document.

Should you have any questions regarding our comments, please contact Supervisor Jill Geist at 707-476-2395.

Sincerely,



John Woolley, Chair  
Humboldt County Board of Supervisors

JW/kr

c: Trinity County Board of Supervisors  
Clifford Lyle Marshall, Chairman, Hoopa Valley Tribal Council  
Dennis Puz, Chairman, Yurok Tribal Council